

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

**AND
THE HON'BLE SRI JUSTICE G.SHYAM PRASAD**

**F.C.A.M.P.No.221 of 2016 in/and F.C.A.No.1 of 2014
and
F.C.A.M.P.No.220 of 2016 in/and F.C.A.No.2 of 2014**

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10.06.2016

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Between:

Chillara Leela Madhava Sarma

..Petitioner

And

Smt.Chillara Krishna Shravani

..Respondent

Counsel for the petitioner: Mr.Chavali Ramanand

Counsel for the respondent: Mr.D.Hanumantha Rao

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The Court made the following:

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COMMON ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

For convenience, the parties are referred to as they are arrayed in F.C.A.No.1 of 2014.

The appellant filed H.M.O.P.No.74 of 2012 in the Court of the learned Judge, Family Court-cum-XII Additional District Judge, Guntur, for dissolution of marriage under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 (for short 'the Act'), and the respondent filed H.M.O.P.No.225 of 2011 for restitution of conjugal rights under Section 9 of the Act before the same Court. The respondent also filed M.C.No.86 of 2011 for award of maintenance amount. By common order, dated 26.08.2013, the Court below dismissed H.M.O.P.No.74 of 2012, decreed H.M.O.P.No.225 of 2011 and partly allowed M.C.No.86 of 2011. Feeling aggrieved by this order against H.M.O.P.No.225 of 2011, the appellant filed F.C.A.No.1 of 2014 and against H.M.O.P.No.74 of 2012, he filed F.C.A.No.2 of 2014. He appears to have filed a criminal revision petition against the order in M.C.No.86 of 2011. Recently both the parties have filed F.C.A.M.P.Nos.221 and 220 of 2016 in F.C.A.Nos.1 and 2 of 2014 respectively, wherein they have averred that they have entered into a memorandum of understanding, dated 05.06.2016, under which they have agreed that their marriage shall be dissolved by mutual consent, subject to the terms and conditions contained therein.

At the hearing, the learned counsel for both the parties have stated that in terms of the aforesaid memorandum of understanding, the appellant has paid a sum of Rs.10,00,000/- (Rupees ten lakhs only) to the respondent towards permanent alimony and the respondent has also agreed to withdraw the pending criminal appeal arising out of a criminal case filed under Section 498-A I.P.C. Both the parties, who are personally present, have informed the Court that they have entered into the aforesaid memorandum of understanding out of

their free will and consent. The learned counsel for both the parties have requested that H.M.O.P.No.74 of 2012 filed under Section 13(1) (ia) of the Act may be treated as the one filed under Section 13-B of the Act.

In the light of the above submissions of the learned counsel for the parties, opinions expressed by the parties in the Court as above and the memorandum of understanding, dated 05.06.2016, entered between the parties, F.C.A.M.P.Nos.221 and 220 of 2016 in F.C.A.Nos.1 and 2 of 2014 respectively are allowed. Common order, dated 26.08.2013, in H.M.O.P.Nos.74 of 2012 and 225 of 2011 shall stand set aside. H.M.O.P.No.225 of 2011 is dismissed H.M.O.P.No.74 of 2012 is decreed by granting divorce to the parties by mutual consent under Section 13-B of the Act by treating the said O.P. as having been filed under Section 13-B of the Act instead of Section 13(1)(ia) of the Act. F.C.A.Nos.1 and 2 of 2014 are, accordingly, disposed of, in terms of the memorandum of understanding, dated 05.06.2016.

As a sequel to disposal of F.C.As., interim order, dated 15.10.2014, in F.C.A.M.P.No.2 of 2014 in F.C.A.No.1 of 2014 is vacated and F.C.A.M.P.Nos.120 and 2 of 2014 in F.C.A.No.1 of 2014 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

10th June, 2016
GHN

